



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,696	12/23/1999	THIRU SRINIVASAN	1649-(USW-05	7829

22193 7590 05/24/2005

QWEST COMMUNICATIONS INTERNATIONAL INC
LAW DEPT INTELLECTUAL PROPERTY GROUP
1801 CALIFORNIA STREET, SUITE 3800
DENVER, CO 80202

EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/471,696

Applicant(s)

SRINIVASAN, THIRU

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,9,11-17 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,9,11-17 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 8-9, 11-17 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.biddersedge.com (Bidder's Edge) in view of www.monster.com (found using www.archive.com's WayBack Machine) and in further view of *Microsoft Computer Dictionary* (hereinafter MCD).

Bidder's Edge teaches a method for monitoring a **plurality** of auction sites. Examiner notes that the auction sites searched by Bidder's Edge are not "hosted" by Bidder's Edge. As such, it is inherent to the system of Bidder's Edge that sellers (first and second) place product identifiers indicative of their products for sale at auction sites hosted by the respective auction sites (first and second auction site). Examiner asserts that this is necessarily present because if the sellers did not perform these steps then Bidder's Edge would have nothing to search.

Bidder's Edge further teaches an auction search engine comprising an input field for buyers to enter a product identifier related to a product they desire (desired product identifier indicative of a product desired by a buyer on a Bidder's Edge (the scan site)).

The auction search engine of Bidder's Edge then compares and determines if the desired product is for sale on any of the auction sites, a system that notifies the buyer if the desired item is for sale with the current bid for the product, (this includes notification by e-mail) and a method for allowing the user to place a bid with the auction site. As disclosed by applicant on page 5 lines 9-10 the examiner interprets the "product identifier" to be any parameter of the desired

Art Unit: 3627

product. In addition, the examiner interprets the limitation “monitoring” in claim one to mean checking by means of a receiver for significant content.

Bidder’s Edge further includes an option to include a category identifier or description identifier with the product identifier to aid in the monitoring for the desired product. Bidder’s Edge also includes a method to erase the product identifier from the site after the buyer has been notified that the desired product is for sale. Finally, Bidder’s Edge includes a “Deal Watch” section that provides the user with a daily report, via e-mail of all auctions offering items that satisfy search criteria. Inherent to this feature is a database that stores the search criteria of the buyers desired products.

Bidder’s Edge does not teach a method of scanning the database of desired products from the auction site, in order to determine a product desired by the buyers.

Monster.com teaches a job search system where companies (sellers) input jobs (products) that they have available. Job seekers (buyers) enter their qualification/resumes to Resume City (scan site), if a job that meets their requirements is found they are notified. In addition, an HR representative from a company (seller) has access ‘Cruiter (auction site). ‘Cruiter allows the HR representative to 1) post available jobs (products) and 2) create a profile of the ideal candidate. ‘Cruiter (auction site) can use the profile of the ideal candidate to search a list of current resumes in Resume City (scan site). ‘Cruter also runs automatic searches of Resume City when new resumes are entered to Resume City. When/if matching resumes are found the system delivers them to the HR representative (monster.com; Reference D; under heading: How will ‘Cruiter work for me?).

Art Unit: 3627

Monster further teaches that the HR representative is motivated to use this feature in order for companies (sellers) to find candidates (buyers) for their jobs (products) quickly and easily (monster.com; Reference D under heading Meet 'Cruiter).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to for a seller (company) to search the desired product database (Resume City) of Bidder's Edge in the manner taught by the 'Cruiter feature of monster.com in order for sellers (company) to find buyers (candidates) for their products (jobs) quickly and easily (monster.com; Reference D under heading Meet 'Cruiter).

Examiner notes that whether the Resume City and 'Cruiter are hosted on the same network is not relevant. Bidder's Edge already teaches cross network searching. As such, Examiner relies on Monster to teach that two-way searching was known to one of ordinary skill in the art at the time of the present invention. As such, Examiner asserts that it is reasonable that one of ordinary skill in the art based on the teaching of Monster, would have known to search the database of Bidder's Edge with the auction sites, even though they are hosted on different computer networks.

The combination of Bidder's Edge and Monster does not specifically teach the type of messaging used for the monitoring and in particular electronic data interchange (EDI).

Examiner submits MCD as evidence of the information that one of ordinary skill in the art would have known at the time the present invention was made. MCD teaches the EDI is an old and well-known standard for transferring information from one computer to another over a

Art Unit: 3627

network. In addition, for EDI to be effective, users must agree on certain standards for formatting and exchanging information (page 143).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Bidder's Edge and Monster to specifically including EDI messaging in order to standardize the communications.

Examiner notes that the use of EDI further solidifies the argument that cross network searching is not required by Monster. In particular, since EDI requires users to agree on certain standards and formatting prior to the exchange of information, then we must assume that Bidder's Edge has a predetermined arrangement with the auction sites. As such this arrangement (i.e. agreed upon standards and formatting) clearly renders obvious the searching of Bidder's Edge by the auction site, as the standards are already in place.

It is the practice of the Office to utilize "The WayBack Machine" at www.archive.org. The Internet Archive is a comprehensive library of Internet sites and other cultural artifacts in digital form. The Wayback Machine is a free service allowing people to access and use archived versions of past web pages within the Internet Archive. Visitors to the Wayback Machine can type in a URL, select a date range, and then will be able to search and view the Internet Archive's enormous collection of web sites, dating back to 1996 and comprising over 10 billion web pages. Examiner notes that the archived version of www.monster.com used for this Office Action was found using the WayBack Machine.

Response to Arguments

Applicant's arguments with respect to claims 1-5, 8-9, 11-17 and 21-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak

 5/17/05

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600